

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WILLIAM A. BRACKEN,
Plaintiff,
v.
MURPHY, et al.,
Defendants.

Case No. 17-CV-06712-LHK
ORDER TO SHOW CAUSE
Re: Dkt. No. 47

Plaintiff, a California state prisoner at Salinas Valley State Prison (“SVSP”), filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. Defendants have filed a motion for summary judgment, which plaintiff has opposed.

On March 19, 2019, plaintiff sent the Court a letter informing the Court that the Office of the Inspector General of the California Department of Corrections and Rehabilitation (“CDCR”) “found that SVSP’s inquiry into the allegations of misconduct in [plaintiff’s] case were inadequate.” Dkt. No. 47 at 2. The letter also indicated that the Prison Law Office has asked CDCR to “reinvestigate the results,” but has received no response. *Id.* This letter was added to the Court’s docket on March 22, 2019, but to date defendants have filed no response.

The Court has reviewed defendants’ summary judgment motion, and notes that, *inter alia*,

1 defendants argue they are entitled to summary judgment because plaintiff has not exhausted
2 administrative remedies. It is unclear whether a “reinvestigation” of “the results” refers to a
3 reopening of plaintiff’s administrative appeal, or to some other inquiry. If the former, whether the
4 appeal has been reopened, and defendants’ position as to the adequacy of CDCR’s response to
5 plaintiff’s administrative appeal, may be relevant to defendants’ exhaustion arguments.

6 Within fourteen (14) days of the date of this order, defendants shall file a response that
7 informs the Court whether plaintiff’s administrative appeal has been reopened, and the effect, if
8 any, of the Office of Inspector General’s conclusion on defendants’ motion for summary
9 judgment. If plaintiff elects to reply to defendants’ response, he shall do so within fourteen (14)
10 days of being served with the response.

11 **IT IS SO ORDERED.**

12 DATED: June 9, 2019

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14 LUCY H. KOH
15 UNITED STATES DISTRICT JUDGE
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